

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION MEETING May 7, 8, and 9, 2001 Aptos, California

The Board of Forestry and Fire Protection and the Fish and Game Commission met jointly on May 9, 2001, in Aptos, California.

BOARD MEMBERS PRESENT:

Stan Dixon, Acting Chair
Mark Bosetti
Robert Heald
Kirk Marckwald
Tharon O'Dell
Paula Ross
Gary Ryneerson
Norman Waters

BOARD STAFF PRESENT:

Christopher Rowney, Executive Officer
Daniel R. Sendek
Executive Officer, Foresters Licensing

DEPARTMENTAL STAFF:

Ross Johnson, Deputy Director
Resource Management
Dean Lucke, Assistant Deputy Director
Gerald Ahlstrom, Forest Practice Staff Chief
Jim Mote, Regulations Coordinator

CALL TO ORDER

Acting Chair Dixon called the meeting to order.

Mr. Christopher Rowney, Executive Officer for the Board, reviewed the plans for the upcoming field trip for the Board, the Commission, and the public.

REPORT FROM OTHER FEDERAL AGENCIES, INCLUDING THE NATIONAL MARINE FISHERIES SERVICE (NMFS)

Acting Chair Dixon announced that NMFS would be making its presentation during the Board's June meeting.

REPORT OF THE INTERIM COMMITTEE

Mr. Heald, Chair of the Interim Committee, reported that there was a discussion on the proposal by the Department, which had been modified by staff, providing for the protection of Old Growth. Board staff will prepare a new draft for consideration at the June meeting.

Mr. Heald said that there was a discussion on the need to continue the Emergency Rule under 14 CCR §1038(b) that provides for removal of biomass fuel for co-generation electricity production. The Committee recommends that the Board re-adopt the emergency regulation in June and issue a 45-Day Notice. Mr. Heald noted that the recommendation was by consensus.

Mr. Heald said that there was a discussion regarding the implementation of SB 621, Civil Penalties and Infractions. He said that the Committee recommends that Board staff prepare and issue a 45-Day Notice for the "Infractions" portion of the Civil Penalties at this time. There will be further discussion for the appeals process for Civil Penalties assessed by the Director.

Acting Chair Dixon directed staff to issue the 45-Day Notice.

Mr. Heald said that the Committee received a report by the State Water Resources Control Board regarding the proposal for amendment to regulations affecting timber operations subject to exemptions or emergency notices. A subcommittee of the Department and other Review Team Agencies has been formed to move forward with a proposal for a second draft of language for review.

Mr. Heald said that there was a discussion of the activities of the Stewardship Committee regarding alternatives to existing regulatory controls on timber harvesting. The Stewardship Committee reported that it was still discussing several alternative actions and that they would have a written report prepared for the Interim Committee by June or July.

Under New and Unfinished Business, Mr. Heald reported that the Committee recommends moving forward with discussion on the development of the Native American Advisory Committee. There was a brief discussion on the current regulatory proposals for the revisions on the Review Team Process. There was consensus that there needs to be further evaluation of the rules in this area and direction to the Department on implementation on those rules.

REPORT OF THE RESOURCE PROTECTION COMMITTEE (RPC)

Mr. Bosetti reported for the RPC. He stated that CDF reported to the Committee that staffing is up for fire season and that there are continuing discussions regarding Communities at Risk, which is a proposal by the USFS. The Department provided a report on the progress of implementing the Fire Plan. The Department announced that Rodger Thompson was now the Vegetation Manager Program Coordinator in the North Region.

AD HOC WATERSHED COMMITTEE (AD HOC)

Mr. Rynearson, Chair of the *Ad Hoc* Committee, said that the Committee received a report from the State Water Quality Control Board on their planning efforts. He noted that implementation was

moving forward through contracts with the Department of Fish and Game and U.S. Geologic Survey. The Committee discussed possible models to be used in watershed assessment.

Mr. Rynearson said that there was a discussion of the Board's workshop that was held at Blodgett Forest on April 20, 2001. Several points were discussed during the workshop and would be evaluated during the *Ad Hoc* Committee meetings within the next few months. He indicated that there needed to be a more thorough review of the efforts being made by the North Coast Watershed Assessment Program.

Mr. Rynearson then announced that the next *Ad Hoc* Watershed Committee meeting would be held on May 24, 2001. There will be a notice going out as to location and times.

REPORT OF THE ADVISORY COMMITTEES

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

A written report was provided for the Board.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Daniel R. Sendek, Executive Officer for Foresters Licensing, reported that the PFEC had met the previous Thursday. Work is still progressing on the Memorandum of Understanding between the Board of Forestry and the U.S. Forest Service. There should be a written response by next meeting. He reported that the PFEC was continuing on the development of a document for landowners who are considering timber harvesting. The forestry curriculum at Humboldt State University, was reviewed by Dr. Susan Bicknell, the department chair.

Mr. Sendek then reviewed the RPF Statistics in the Board's binder. He said that the following RPFs have requested license withdrawal: John W. Mincks, RPF 1057; and Kenneth E. Bird, RPF 467.

01-05-1 Mr. Heald moved to approve the requests for withdrawal of RPFs 1057 and 467. Mr. Rynearson seconded the motion, and all were in favor.

Mr. Sendek then reported that Wilford H. Beck, RPF 1990 has requested license reinstatement from withdrawal status.

01-05-2 Mr. Heald moved to approve the reinstatement of RPF 1990. Mr. Rynearson seconded the motion, and all were in favor.

REPORT ON THE COST SHARE RATES ASSOCIATED WITH THE CALIFORNIA FOREST IMPROVEMENT PROGRAM (CFIP)

Mr. Steve Jones, Deputy Chief for CDF's Forestry Assistance Program, introduced the proposed 2001 CFIP rates and reviewed them for the Board. He indicated that the proposed rates reflect the current market rates based on a review conducted by the Department.

Mr. Heald asked for a review of the process in which the Department sets the CFIP rates.

Mr. Jones indicated that the Department used the current rates and, through field contacts and the forestry community and cooperators during the year, found that there was little need for revision.

Mr. Heald asked if the actual rates are close to the proposal.

Mr. Jones said that some are more and some are less. He said that there are more requests for participation than funds available for projects.

Mr. Rynearson asked what the funding source was for CFIP.

Mr. Jones said that the dollars for CFIP came from the Forest Regeneration Improvement Fund (FRIF) which is created from funds produced by a State Demonstration Forest.

01-05-3 Mr. Heald moved to adopt the proposed CFIP rates. Mr. Bosetti seconded the motion, and all were in favor.

REPORT OF EXECUTIVE SESSION

Acting Chair Dixon provided a brief report on the item discussed in Executive Session. He said that there were no action items.

HEARING TO CONSIDER AMENDMENT OF §1037.5(f) OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS ADDRESSING REVIEW TEAM PROCEDURES

Acting Chair Dixon introduced the topic.

Mr. Dean Lucke, Deputy Director of Forest Practices, said that the Department had no additional comments and does not recommend any further changes. He said that the Department would be able to support a 15-Day Notice allowing a minor revision in alternative three.

Dr. Marty Berbach, Department of Fish and Game (DFG), said that DFG could also support a 15-Day Notice.

Mr. Gaylon Lee, State Water Resources Control Board (SWRCB), agreed that alternative three with the proposed changes by the Department would be the most acceptable. However the SWRCB does question the Board's authority to adopt such regulations. He believes that it could create a rift between agencies, but does not oppose a regulatory effort by the Board.

Public Comments

Mr. David Van Lennep, California Licensed Forestry Association (CLFA), referred to previous comments by CLFA and spoke in support of alternative one.

Mr. Mark Rentz, California Forestry Association (CFA), said that there was a need to develop site-specific mitigations and that those mitigations need to be developed before the plan is reviewed. He said that site-specific conclusions could be based on past experience or other sources. He suggested that the Board strike "site specific" from the regulatory proposal and insert "and justified in writing."

Mr. Peter Ribar, Campbell Timber Management, spoke in support of the comments made by CFA. Mr. Mark Edwards also spoke in support of the comments made by CFA and in support of alternative one. He said that the time to prepare the mitigations was in the field with the review team agencies, and that it is a common practice for mitigations to be developed during the pre-harvest inspection.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), said that the streams on the North Coast are not as clear as the streams in the Santa Cruz area. She attributed that to the Santa Cruz County regulations. She said that mitigations currently being implemented do not work and said that there was a continued degradation of the environment.

Ms. Kathy Bailey, Sierra Club, said that the agencies should not be required to provide the information being proposed in this regulation.

Mr. Richard Gienger believes that alternative three is a good compromise.

01-05-4 Mr. Rynearson moved to close the public hearing. Mr. Bosetti seconded the motion, and all were in favor.

Mr. Rynearson agreed with the comments of CFA and Campbell Timber Management and that mitigations should be added as a result of field inspection.

Mr. O'Dell agreed that mitigations should be site-specific and that the development of mitigations on the ground was the most productive process and that such wording should be included.

Mr. Marckwald could see no reason not to adopt alternative three.

Mr. Heald indicated that inserting the phrase “in Pre-Harvest Inspection” (PHI) was not appropriate. He said that often, outside of the coast area, the Department only conducts one on the ground pre-harvest inspection. He agrees with the review team agencies that this regulation could be passed. He said that the Board has put the Department on notice to have due diligence in applying this regulation and strike a balance of application as requested by the Board. He suggested one editorial change by adding a period on line 13 page 5. He indicated that this addition would make the regulation more concrete.

Mr. Rynearson asked for Board’s Counsel to comment on the effect of the proposed changes.

Mr. Bill Cunningham, Deputy Attorney General and Counsel to the Board, said that the regulatory proposal constrains the level of review and the type of information that can be accepted by the Department from the review team members. Other statutes already require similar information be submitted by the review team agencies to support requests for mitigations. He believes that the Board is well within its authority.

Mr. O’Dell asked about deleting the phrase “to the extent feasible.”

Mr. Cunningham noted that there were already statutory sections governing information submitted by review teams. He said that there was no need for any of the language after the word “writing” on page 13 line 5, the same standards exist without the conditional language. He stated reluctance to suggest language mandating review team PHI participation. He said that CFA only proposes limitations on participation, not attendance.

Mr. O’Dell said that offering mitigations on a PHI facilitates reaching field agreements which reduces paper work.

Mr. Rynearson suggested a change in wording by placing a period after “writing” and delete “and be based on evaluation of site-specific conditions.”

Mr. Cunningham said that anything beyond the word “writing” are just modifiers. By adding modifiers, the result will be multiple interpretations. It is very difficult to provide mandates on agency conduct during review team participation. Any change may not help the actual review team process.

Mr. Bosetti said that by adding the language, “agreed to in the PHI,” is not a restriction, but provides and opportunity for agencies to set aside written requirements otherwise contained in the proposal.

Mr. Cunningham agreed that if an agency chooses not to attend the PHI and submits recommendations in writing, the RPF could still agree to proposed mitigations without review team agencies on site.

Mr. O’Dell expressed concurrence that the RPF may agree to mitigations without agency representatives being on site.

Mr. Bosetti said that adopting this language would still require additional paper work on the part of the review team agencies.

Mr. O’Dell said that would occur only if on the PHI there is no agreement to mitigations at the PHI.

Mr. Rynearson suggested the item be continued to later in the day to resolve some small needed changes in language.

Board members concurred.

Acting Chair Dixon then announced that the hearing would continue following the Joint meeting.

**JOINT BOARD OF FORESTRY AND FIRE PROTECTION
AND FISH AND GAME COMMISSION MEETING**

COMMISSION MEMBER PRESENT:

Sam Schuchat, Vice President

COMMISSION STAFF PRESENT:

Robert R. Treanor, Executive Director
John M. Duffy, Assistant Executive Director
Sandy Daniel, Executive Assistant

DEPARTMENTAL STAFF PRESENT:

Robert C. Hight, Director
Dirk Brazil, Deputy Director
LB Boydston, Intergovernmental Affairs Office
Marty Berbach, Forestry Coordinator
Kevin Shaffer, Native Anadromous Fish and Watershed
Branch

CALL TO ORDER

Acting Chair Dixon called the Joint meeting of the Fish and Game Commission and the Board of Forestry and Fire Protection to order. He introduced the Board Members and Department staff to the Commission.

Vice President Schuchat said that the Commission president Mike Chrisman had other obligations and was unable to attend today's meeting. He then introduced the Commission and Departmental staff to the Board.

Acting Chair Dixon thanked everyone involved in the Watershed Assessment Workshop that the Board took part in at Blodgett Forest, especially to Member Heald and his staff for providing excellent accommodations. He was impressed with the expertise and level of knowledge of the scientists that were present and the interaction between those people who are considered experts in the field of watershed assessment.

Acting Chair Dixon thanked the local Ranger Unit and all those involved in providing yesterday's tour, both of the Soquel Demonstration State Forest and Cal Poly's Swanton Pacific School Forest. He commented that the tour was well prepared and probably as well attended as any field trip he has participated in as a member of the Board. He added that Mike Chrisman, President of the Fish and Game Commission and Robert Treanor, Executive Director of the Fish and Game Commission were participants of the field trip.

Commissioner Schuchat reported that during the last Commission meeting, the Department of Fish and Game recommended and the Commission accepted a petition to list Coho salmon north of San Francisco. He reported that the Commission also adopted emergency regulations which allow for the incidental take of Coho salmon and are effective for 120-days. He added that the Commission asked the Department and interested parties to develop any amendments, which may be necessary, for the incidental take regulations prior to its expiration. He indicated that the Department was now conducting its status review and commencing the development of an environmental document, which will be used in confirmation of the emergency regulations.

REPORT OF THE DIRECTOR OF CALIFORNIA DEPARTMENT OF FISH AND GAME

Mr. Robert Hight, Director of the Department of Fish and Game (DFG), said that it was a pleasure to be meeting jointly with the Board and that he spends more time working with CDF than any other state agency due to the

overlap of common issues. He believes they have a good working relationship and are collectively solving issues together. Director Hight referred to Vice President Schuchat's comments and said that the DFG would soon begin writing the environmental document that is necessary for confirmation of the incidental take regulations.

Director Hight pointed out that California's population will be increasing by one million per year for the next 20 years and the biggest challenge in the foreseeable future will be how to plan for this development consistent with adequate natural resource protection.

REPORT OF THE DIRECTOR OF THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Mr. Ross Johnson, Deputy Director of Resource Management, reported that Director Tuttle sent her apologies for not being present for this Joint meeting of the Commission and the Board, as she was in New Mexico meeting with the Counsel of State Western Foresters.

Mr. Johnson said that the budget process is continuing with an Assembly Budget Committee hearing today and Senate Budget Committee hearing tomorrow. He pointed out that the Board's Executive Officer was attending budget hearings in Sacramento.

Mr. Johnson said that fire season would be declared on May 15, 2001, for the southern part of the state. He said that all Units are having fire preparedness exercises that will be completed prior to fire season. He said that on May 15 through 17, the Amador/El Dorado Ranger Unit would be having their exercises. He noted that if any Board or Commission member would be interested in attending that exercise, it could be arranged.

Dr. Bill Stewart, Department of Forestry and Fire Protection FRAP Chief, provided a brief overview of the "Communities at Risk from Wildfire Program," part of the National Wildfire Plan. He then summarized key points in the process of identifying lands at risk: apply the California Fire Plan across the entire landscape; look at where the flammable materials are that could create large flame lengths; look at vegetation; and use of the 1990 California Census to see where people are living. Using that method, the following was identified: 1100 communities are potentially at risk of wildfire originating on vegetative wildlands; 700 communities are from federal lands and are eligible for funding under the National Fire Plan; and 400 communities are at risk from vegetation that is on private land. He said that the wildfire risk in California will be here for a long time and CDF is actively working with the U.S. Forest Service, Bureau of Land Management and California Fire Alliances. He said that the map identifying the above mentioned communities would be put on the Department's web page.

Mr. Heald asked what constituted a community.

Dr. Stewart responded that they used the 1990 Census data which defined communities. He said that they used census blocks where people can live and mapped acres of flammable materials and assets, which in many cases were residences.

Mr. Rynearson clarified that the communities identified on the map were based upon fuels that would produce a certain flame length that may be difficult to control, therefore, consume the community. He inquired if there was a similar map that identified the potential longer-term affects on people and not the structures.

Dr. Stewart responded that it was a complex issue in dealing with wildfire in California and that there was not such a map at this time.

Commissioner Schuchat asked if the areas were evaluated on the level of risks.

Dr. Stewart said that they have a very systematic process where each community has a ranking from 1-9, which is based on how much vegetation is present and weather conditions.

Commissioner Schuchat asked where the most dangerous area was.

Dr. Stewart replied that a sub-division next to the high chaparral and the decadent vegetation in southern California would characterize a high-risk area.

Mr. Heald asked if the risk rating was developed independently of the initial attack resources that are available in those areas.

Dr. Stewart said that there was an independent layer of review.

Mr. Johnson said that the Board had received a copy of the Jackson Demonstration State Draft Forest Management Plan, which was an update from the 1983 Plan. He said that there are eight State Demonstration Forests and each one had to have a Management Plan.

Mr. Marc Jamison, Manager of the Jackson Demonstration State Forest, presented the Draft Management Plan to the Board for its consideration. He provided a brief history of the plan. The forest is located in Mendocino County between Fort Bragg and Willits and constitutes portions of the Noyo River watershed, Big River, and several short coastal streams. He said that the management planning team developed goals and objectives formulated to add more specificity or direction to the Management Plan based on legislation and policies.

Mr. Johnson said that the Draft Management Plan was the Department's preferred alternative and it would still have to go through the CEQA process with an EIR yet to be completed. He requested that the Board review the Draft and provide comments and/or guidance with an estimated final adoption of the plan by the end of the year or early 2002. He asked that the Board's Interim Committee review the Draft and then schedule it for discussion at the Board's July meeting. He said that the Department's Advisory Committee and the Mendocino County Board of Supervisor's would also be reviewing the Draft Plan.

Mr. Johnson provided an update on personnel changes within the Department.

REPORT BY DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON HARDWOODS

Mr. Ross Johnson, CDF Deputy Director of Resource Management, reported that the Department continues to review THPs and to mitigate those with potential adverse impacts. He provided an update on conversion of marginal timberlands into vineyards. He then reviewed AB 1602 by Assembly Member Keeley. The bill would require CDF to coordinate both the study of current science with policy related to oak trees, and oak woodlands ecology and the establishment of a stakeholder group to explore potential policy options to promote restoration and enhancement of oak woodlands in California.

Dr. Bill Stewart provided an update on the efforts of the FRAP unit on hardwoods. He said that next month the report on a five-year change detection program should be available and the results posted on the CDF web page.

Mr. Heald said that there was a need to have models for predicting wildlife habitat changes in the future.

Dr. Stewart said that models for predicting wildlife habitat is a separate effort by CDF. As far as predicting changes in the future, it is an inexact science to predict rural residential expansion and where it will develop in the next decade.

REPORT OF THE OAK MORTALITY TASK FORCE (OMTF)

Mr. Mark Stanley, Assistant Deputy Director for Resource Management and Co-chair of the Oak Mortality Task Force, reported that the OMTF organizational chart had been revised. He provided a power-point presentation. The OMTF includes over 64 agencies, individuals, and organizations. He said that two more plant hosts have been identified; Madrone and California Bay Laurel. There is an effort to detect the pathogen in wood and bark. He reported that both the Eastern and Western Plant Boards have passed resolutions calling for continued research funding and regulations for preventing the spread.

Mr. Stanley said that the April 25 and 26 meeting of the OMTF was well attended. The Executive Officer of DFG and the County Agricultural Commissioner were also in attendance. It was an informational meeting. He then announced that the National Association of State Foresters Conference has been relocated from the East Coast to San Francisco on August 7, 8, and 9, 2001.

Dr. Rick Standiford, UC Berkeley, provided background and an update on the Sudden Oak Death disease (SOD). He said that the spread of the pathogen has been isolated from rainwater, wind driven rain, and soil, and that the movement of plant materials and insects may play a role in vectoring the disease. He said that more detailed information could be accessed on the web site <http://www.suddenoakdeath.org>.

Commissioner Schuchat inquired about any news on the treatment of the disease.

Dr. Standiford said that there are some ongoing research studies, but nothing conclusive that could be recommended at this time.

Mr. Marckwald asked for a funding update and any prospects for new funding.

Mr. Stanley provided updates on SB 31 and AB 62. He said that both bills are basically in the suspense file at this time. He said that the Task Force is doing great things organizationally and doing what they can through existing funding. He pointed out that the Task Force identified \$10.265 million to be allocated in each bill.

Mr. Marckwald suggested that the Board provide needed support for this legislation.

Commissioner Schuchat echoed Member Marckwald's comments and said that the Commission would also like to provide support to the Legislature.

Mr. Scott Johnson, Chairman of the Funding Committee for the OMTF, said that letters of support from the Board and the Commission would be greatly appreciated.

It was agreed that the Board and the Commission would send a joint letter to the Legislature supporting the need for funding for the OMTF.

Ms. Traci Thiele, Humboldt Watershed Council, requested quarantines of infested areas be instituted. She said that the National Arbor Day Foundation had just completed its national survey and selected the Oak as the National Tree. She believes that California has a disrespect for oaks and that oaks should be moved up to class A from class B designation and be reviewed in the THP process.

Mr. Stanley said that the Department of Food and Agriculture was developing quarantine regulations at this time.

Commissioner Schuchat asked how a quarantine worked.

Mr. Dave Moeller, Santa Cruz County Agricultural Commissioner, explained that the action would designate the seven infested counties as a quarantine area, which means that county Agricultural Commissioners would have the regulatory authority to restrict, control, or prevent the movement of materials. He said that there are also quarantine issues interstate and internationally to prevent any further spread of the disease out of California. He indicated that the County Agricultural Commissioner would be the enforcement entity.

Mr. Mark Rentz, California Forestry Association, pointed out that there is a huge concern about the transportation of products and how to prevent the spread of the disease.

Ms. Thiele said that there are quarantine models available in California that could be used as guidelines.

REPORT OF THE INTEGRATED HARDWOOD AND RANGE MANAGEMENT PROGRAM (IHRMP)

Dr. Rick Standiford, UC Berkeley Integrated Hardwood and Range Management Program, explained that the IHRMP was a joint program with the University of California, California Department of Forestry and Fire Protection, and the Department of Fish and Game. He then provided a general history of the program. He said that there was an upcoming Oak Woodland Symposium scheduled for October 22 – 25, 2001, at the Bahia Hotel, San Diego.

Mr. Heald referred to a letter from the California Oak Foundation and asked if there was an upgrade for the Interim Wildlife Hardwood Management guidelines. Mr. Standiford responded that those guidelines were put together by the Department of Fish and Game and indicated he would follow up on the issue.

REPORT ON STATUS OF DRAFT JOINT POLICY RELATING TO ANADROMOUS SALMONIDS

Dr. Marty Berbach, Department of Fish and Game (DFG), said that DFG, the Board, and CDF have reviewed the Draft Joint Policy and submitted recommendations for changes. He explained the proposed policy changes.

Mr. Rynearson suggested modifying language to add appropriate programs targeted under Section III, F.

Ms. Kathy Bailey, Sierra Club, pointed out that the old policy had some very specific recommendations that were never implemented such as obtaining fish population data and analysis, DFG reviewing Coho related THPs, and sensitive species designations. She requested that the goal of the Resources Agency Salmonid Conservation effort be to recover harvestable salmon and steelhead populations, restore watersheds, and so contribute to building healthy communities be reflected in the proposed policy.

Mr. Mark Rentz, California Forestry Association (CFA), asked if the public would be able to review the document and submit written comments.

Commissioner Schuchat responded that he understood the process to be that each Board/Commission would schedule the item through its normal processes for discussion.

Mr. Marckwald expressed concerns that the proposed policy was started a year ago and not yet finalized. He suggested that the Board's Executive Officer and Executive Director of DFG work together to keep the item on track and to move forward.

The Board and Commission agreed to schedule this item for their June meetings.

Mr. Bill Cunningham, Deputy Attorney General, reported that while the proposed policy is not considered a rule or regulation requiring the necessary 45-Day Notice, it would need to be identified on the agenda as a possible action item.

Mr. Richard Gienger said that there was a need to include in the Commission's action of establishing Coho salmon north of San Francisco as a candidate species and the establishment of a working team with Water Quality, Mines and Geology, and the Resources Agency in the assessment program. He then reviewed possible goals of such a team.

Mr. Kevin Collins pointed out that Scott Creek had only seven Coho returning to the creek and believed there was very little time to act effectively on this situation and urged prompt action.

Dr. Berbach said that he researched the previous draft policy, dated April 2000, and the word "shall" on Page 2, Paragraph D, was the old, existing language.

Mr. Heald wanted to know if that sentence would cause the Board to lose any of the authority it has under existing regulation relative to the issue of overriding concerns in a project.

Mr. Cunningham said, clearly it does not.

Mr. Ross Johnson, CDF Deputy Director of Resource Management, commented that the Department would also be looking at the draft policy again and will provide comments to the Board and Commission prior to the next meeting. He referred to the Department's review process and the protection of species, and said that CDF continues to support watershed assessment approaches, the adoption of a Federal Section 4d rule (incidental take for Coho in California), and the adoption of interim rules on roads.

Mr. Heald requested that Board Members, as they prepare for discussion of this item for the June meeting, review current regulations under the sensitive species classification and rules relative to the draft policy that directs the Department to evaluate preparation of a sensitive species addition.

Acting Chair Dixon said that both the Board and the Commission would be agendaizing this item for their respective June meetings for further discussion, potential support, and adoption.

REPORT OF NATIONAL MARINE FISHERIES SERVICE REGARDING THP REVIEW

Mr. Joe Blum, National Marine Fisheries Service, reported that Coho salmon are continuing to decline. He pointed out that NMFS recently issued an update on the status of Coho salmon in California and referred to the website address to obtain a copy. He then encouraged the Board and Commission to assist NMFS in developing a 4d rule.

<http://www.pfeg.noaa.gov/tib/index.htm>.

Mr. Blum reported that the timber industry supports the need to count fish, and referred to a report titled, *The Scientific Basis for Validation Monitoring of Salmon for Conservation and Restoration Plans*, from the Olympic Natural Resources Center, College of Forest Resources, University of Washington, dated December 1, 2000. He explained that NMFS is not against counting and monitoring, but the appropriate funding is not available for the necessary long-term studies.

Mr. Blum said that the Scientific Review Panel reported to the Board in June 1999 that the current Forest Practice Rules and the THP process does not provide adequate protection for salmonids. He believes that public agencies need to start implementing more protection policies.

REPORTS BY DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON PRE-, DURING AND POST FIRE ACTIVITIES AND WILDLIFE HABITAT

Mr. Kevin Shaffer, Native Anadromous Fish and Watershed Branch of the Department of Fish and Game (DFG), provided a brief update on the joint policy adopted in 1994. He said that in 1995, DFG adopted procedures for implementing the joint policy. He reported that DFG has less involvement during the actual fire and was spending more time in implementing the joint policy. He said that pre-fire decisions were very important to the Department.

Mr. Ross Johnson, CDF Deputy Director for Resource Management, reported that CDF was working cooperatively with the DFG on these fire issues with an emphasis on pre-fire situations.

Mr. Blum reported that NMFS's hiring freeze has been lifted and they have hired employees to work with federal agencies on pre, during, and post fire activities to expedite Section 7 consultations on those non-emergency items. He described the distribution of new employees in California.

REPORT OF BOARD'S ADVISORY COMMITTEES

FOREST PEST COUNCIL

Mr. Scott Johnson, Chair of the California Forest Pest Council (CFPC), described the Council's composition and its activities. He thanked Mr. Treanor, Executive Director of the Fish and Game Commission, for attending the California Oak Mortality Task Force meeting. He then provided an update on the Pitch Canker Task Force and said that pitch canker is impacting the Aptos areas. He noted that the CFPC would be scheduling its field tours for its Insect and Disease Committee to be held in San Diego, and the Weed Committee tour to be held in the Yreka area.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell deferred the MSG report to the next Board meeting. He said that the next meeting of the MSG would be at Howard Forest.

REPORT OF EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR, INCLUDING PROPOSED STATE AND FEDERAL LEGISLATION

Mr. Robert Treanor, Executive Director of the Fish and Game Commission, reported that the federal CARA legislation did not pass last year, but was reintroduced again this year and would provide monies to California for wildlife habitat work. On behalf of Commission President Chrisman, Mr. Treanor said that the Commission is committed to continuing the joint meetings and is very interested in continuing the joint working relationship. He said that appreciates the time Member O'Dell has spent with him in subcommittee, and that there are many issues that need to be resolved jointly.

Mr. Daniel Sendek, Acting Executive Officer for the Board, said that he had nothing to report at this time.

PUBLIC FORUM

Mr. Mark Rentz, California Forestry Association, commented that monitoring and survey of fish populations was a critical factor. He also expressed his opinion on what is and what is not good management.

Mr. Ed Ehlers, Associated California Loggers (ACL), said that ACL had just concluded its winter training period in California. The program has three required classes that involve operating practices, risk management, and business practices. He added that his organization was supplementing its program with a certification program being developed in cooperation with the American Loggers Council. He said that they will be developing performance standards and currently have demonstration projects in Maine, Wisconsin, and Minnesota.

Mr. Ryneanson asked if there was an outline of the contents of the program.

Mr. Ehlers indicated he would provide the Board with a copy.

Mr. Richard Gienger encouraged both the Board and the Commission to help make an effective team in conjunction with Water Quality, Mines and Geology, and the Resources Agency to support passage of AB 1231 related to the pilot watershed project. Also to work together for team planning on a watershed scale to set a protection recovery plan, and encourage team work to incorporate the principles established in the previous Section 2090 process for listed Coho south of San Francisco for Northern California salmonid species. He encouraged the Commission to work with the Board to revamp the Section 1600 process. He believes that there is a need to set standards for stream crossings. He said that the four top priorities of the Forest Stewardship Committee were cumulative impacts, discrepancies between agencies, lack of service from agencies, and problems of documentation.

Ms. Traci Thiele, Humboldt Watershed Council, thanked the Board for the great field trip and commented that a lot of topics were covered and a lot learned in one day. She said that the foresters in the area seem to have a reluctant acceptance about conservation and public trust. She then requested that beyond the Joint Policy, each Board and Commission member should have monthly reports and updates.

Ms. Kathy Bailey, Sierra Club, referenced the Jackson Forest Management Plan and urged the Department of Fish and Game and the Water Quality Control Board to examine the management values. She urged the Board to look at timber harvesting that does not cause adverse impacts to water quality, fish, and wildlife.

NEW AND UNFINISHED BUSINESS

There was no report.

ADJOURNMENT OF THE JOINT MEETING

Both the Board and the Commission agreed they should meet jointly twice a year.

Mr. Treanor, Executive Director of the Fish and Game Commission, said that he would work with Board staff to schedule another joint meeting for the fall.

There being no further business, the Joint Meeting of the Board of Forestry and Fire Protection and the Fish and Game Commission was adjourned.

Mr. Bill Cunningham, Deputy Attorney General and Counsel to the Board, announced that the Board would now continue the Board of Forestry and Fire Protection meeting with a hearing on 1037.5.

CALL TO ORDER

Acting Chair Dixon called the afternoon session of the Board of Forestry and Fire Protection Meeting to order. He said that the Board would now continue with the hearing to consider amendment of §1037.5(f) of Title 14 of the California Code of Regulations addressing review team procedures.

Mr. O'Dell suggested continuing the hearing at the June meeting.

The Board agreed to continue the hearing at the June meeting.

Respectfully submitted,

ATTEST:

Daniel R. Sendek
Acting Executive Officer

Stan Dixon
Acting Chair

Copies of the attendance sheet can be obtained from the Board Office.